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SUBJECT: TURKEY: AKP DRAGS ITS FEET ON CONSTITUTIONAL

REFORM

Classified By: POL Counselor Daniel O'Grady for reasons 1.4(b,d)

¶1. (C) Summary: Turkey's ruling Justice and Development Party (AKP) is postponing plans to introduce a series of constitutional amendments in Parliament until after the July 1 summer recess, according to AKP whip Bekir Bozdag. He told us that AKP desires to enact the reforms without having to go to a public referendum but could not do so without securing at least the support of opposition Nationalist Action Party (MHP). But vocal statements by MHP and main opposition Republican People's Party (CHP) leaders indicated that achieving compromise and gaining support will take more time. PM Erdogan may be hoping that focusing on economic reforms in lieu of pursuing more controversial constitutional amendments is the best path to rebuilding public support for AKP following the party's poor performance in March local elections. But delay risks further alienating a significant liberal reform-minded segment of the voting public. End summary.

¶2. (C) AKP Parliamentary whip Bekir Bozdag told us June 1 that AKP does not plan to introduce constitutional amendments in Parliament prior to the July 1 summer recess as had been expected. Bozdag said that he and former AKP whip Sadullah Ergin (now Justice Minister) had led an AKP team in preparing draft amendments to address a number of constitutional shortcomings, including:

--clarifying whether the Presidential term is 5 or 7 years, and whether the parliamentary term is 4 or 5 years;

--amending the provisions regarding political party closure to bring them in line with the Council of Europe's Venice criteria;

--distributing 100 of the 550 parliamentary seats to parties according to the percentage the party receives in elections, even if the party does not surpass the current 10 percent threshold; he said this provision is intended to allow technocrats who lack political charisma to enter parliament, and to strengthen Turkey's representative democracy;

--allowing individuals to file cases in the Constitutional Court regarding rights violations;

--creating a two-tiered Constitutional Court structure where one body hears individual/public applications and one hears other cases; and

--increasing the number of constitutional court judges and providing parliament the authority to select a portion of the members.

¶3. (C) The opposition's unwillingness to work with AKP on passing any amendments was a major reason for delaying introduction of these amendments, according to Bozdag. He said that after elections AKP had planned to discuss proposals with all parties and with the public and then to introduce compromise proposals to Parliament. But AKP found that "the opposition continually attacked the idea of constitutional change for narrow-minded political benefit." Bozdag said that AKP would still try to achieve consensus and avoid taking the issues to a public referendum, which would be required if AKP cannot at the very least secure the support of opposition Nationalist Action Party (MHP) to garner the 367 votes (two-thirds of parliament) needed to pass a constitutional amendment. Bozdag said AKP would try to find common ground with MHP in the coming months. (Note: There are currently 338 AKP MPs and 69 MHP MPs in Parliament. AKP could also reach 367 votes by securing some combination of support from the pro-Kurdish Democratic Society Party's 21 MPs, the Democratic Left Party's 12 MPs, and six independent MPs. End note.)

¶4. (SBU) MHP support may be elusive. MHP leader Devlet Bahceli repeatedly has told his parliamentary group that MHP would give no support to AKP's plans for constitutional changes. Regarding possible efforts to clarify the length of the term of the President and parliamentarians, Bahceli has said that Parliament had already adopted regulations fixing the length of both. "According to the new regulations, the

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general elections will be held in 2011 and the presidential elections will be in 2012. MHP will give no support to maneuvers aimed at extending the mandate of the president and the parliament," according to Bahceli. MHP MP Murat Sefkatli told us that MHP is not opposed to reforms in principle but does not consider AKP's motivations or approach to be sincere.

¶5. (SBU) Main opposition Republican People's Party (CHP) leader Deniz Baykal told the Turkish press following his May meeting with President Gul that the constitutional amendments "are not a priority on Turkey's agenda at the moment" and thus "we don't support the amendments." CHP MP Metin Ergun told us that CHP would oppose outright any attempt to alter the current constitution unless AKP agreed to lift the immunities of all state officials, including parliamentarians. (Comment: As AKP has repeatedly refused to discuss lifting parliamentary immunity, Ergun's statement signals that there will remain an AKP-CHP impasse on constitutional reform. End comment.)

¶6. (C) AKP Kurdish MP Abdurrahman Kurt told us that CHP and MHP opposition to amending a constitution enacted following a military coup was "blind to Turkey's need to modernize and extremely out of touch with the modern era." Kurt said the societal turmoil brought about during the 2008 AKP closure case had led AKP to pursue piecemeal reforms in lieu of its real goal of enacting an entirely new democratic constitution. He hopes that public pressure to amend the constitution will grow to a level that leads AKP to regain the confidence necessary to move beyond small reforms in favor of overhauling the entire document. Bozdag said he hopes that when Parliament reconvenes on August 9 to elect a new Speaker, committee chairs, and committee members, a new cooperative dynamic will emerge and allow Parliament to enact constitutional changes necessary for Turkey's modernization and its EU bid.

¶7. (C) A and G Polling President Adil Gur told us he believes that AKP is delaying because constitutional change is not pressing on voters' minds. Gur told us that his most recent polling shows that most Turkish voters are concerned about

"jobs and food" and not democratization reforms. (Note: Gur was the only pollster to accurately predict the outcomes of the last local and national elections in Turkey. End note.) Gur said this was demonstrated in local elections, when voters punished AKP for ignoring needed fiscal reforms and for making poor candidate choices. Gur believes that Erdogan is taking the voters' message to heart by giving more attention to the economy instead of "engaging in what would be a protracted battle with the opposition over controversial constitutional reforms that are of secondary concern to voters."

18. (C) Comment: Bozdag, a lawyer by training, is close to PM Erdogan and has been at the center of AKP's efforts to amend the constitution. His statement on the timing of introducing constitutional amendments contradicts both his and other prominent AKP MPs' statements in April and May that the party planned to move forward with the amendments prior to July 1. AKP's delay in pursuing controversial democratization reforms signals that PM Erdogan has yet to regain his confidence following AKP's poor performance in March local elections. Erdogan may be hoping that recent proposed economic stimulus initiatives will help reinvigorate the economy and rebuild lost public support for AKP that the party could then leverage to gain opposition support or take the vote to a public referendum. But AKP's persistent failure to follow through on stated plans to introduce constitutional amendments risks further alienating a significant liberal reform-minded segment of the voting public that showed its discontent with AKP in March local elections.

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